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SERVICE DATE - DECEMBER 22, 2000

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-434 (Sub. No. 2X)

**Winchester & Western Railroad Company - Abandonment Exemption - In Winchester
Virginia**

BACKGROUND

In this proceeding, the Winchester & Western Railroad Company (W&W) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of an out of service line of railroad from MP 115.27 to the end of the line at MP 115.9, a distance of 0.63 miles, inside the city of Winchester, Virginia. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to W&W, there has been no local traffic on the line for approximately 10 years and W&W states that it is unlikely that there will be any prospect for increased traffic. W&W describes the area surrounding the line as inside the city limits of Winchester.

ENVIRONMENTAL REVIEW

W&W submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. W&W served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Comments have been received from the Commonwealth of Virginia, Department of Environmental Quality (DEQ) indicating that the proposed abandonment will have no long-term adverse impacts on the environment. DEQ recommends W&W take measures to reduce fugitive dust, to minimize adverse impacts to water quality, and to adhere to appropriate solid waste disposal regulations, if the proposed abandonment is implemented.

To date, comments have not been received from the Virginia Department of Historic Resources (SHPO), regarding whether any structures on the proposed abandonment site are potentially eligible for inclusion on the National Register of Historic Places.

CONDITION

Because the Virginia Department of Historic Resources has not yet completed its review of this proposed abandonment, SEA recommends the following condition be imposed on any decision granting the abandonment:

The SHPO has not completed its review of the proposed abandonment. Therefore, we recommend, that W&W consult with the SHPO prior to salvage of the rail line to determine if the proposed abandonment is consistent with the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f).

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-434 (Sub No. 2X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Rini Ghosh at (202) 565-1539.**

Date made available to the public: December 22, 2000.

Comment due date: **January 5, 2001 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP TO BE SCANNED